

## REMARKS:

This reply encompasses a bona fide attempt to overcome the rejections raised by the Examiner and presents the reasons why the Applicants believe the rejections should be withdrawn.

The applicant also petitions the Commissioner of Patents and Trademarks for a Request for Continued Examination (RCE) of the referenced application to allow entry and consideration of the amendments contained in this reply to the Office Action dated November 5, 2003. A check is submitted herewith to cover the cost of the RCE.

### *Detailed Response / 35 USC §103 rejection*

In the Office Action, the Examiner rejected claims **1-36** under 35 USC 103(a) as being unpatentable based on Knox (US Pat. No. 5,627,854) and Knox in view of Weingarten et al. (US Pat. No. 6,393,035). In this reply, independent claims **1**, **12** and **22** have been amended to distinguish the claimed invention from the prior art. Claims **9** and **19** have been amended to address antecedent basis issues. Claim **13** has been amended to address a grammatical error.

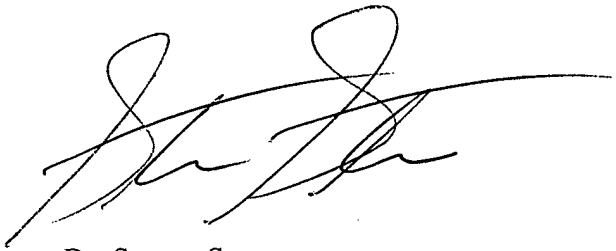
Regarding the amendment of claims **1**, **12** and **22**, the addition of a finesse greater than about 10 (apparatus claims **1** and **22**) and decreasing the length of an optical pulse (method claim **12**) limits the scope of the claimed invention to an etalon with a positive impact on the device performance. This is distinguished from an inadvertent etalon in a saturable reflector that the Applicants have previously indicated, and provided references supporting their argument, is detrimental to the performance. Support for the amendment of claim **12** is found on p. 6,

lines 6 and 7. Support for the “greater than about” language is found on p. 3, lines 1-11, which indicate that a minimum reflectivity is required to produce an etalon. As discussed on p. 16, line 24, the finesse is related to the reflectivity. Support for the amendment of claims **1** and **22** is found on p. 16, line 22 of the specification. Therefore, the amendment of the claims **1**, **12** and **22** does not constitute new matter. Removal of this ground for rejection is requested.

*In Conclusion*

The Applicants have responded to all of the Examiner's rejections and thus respectfully request the application be reconsidered per the Request for Continuing Examination.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dr. Steven Stupp', with a long horizontal flourish extending to the right.

Dr. Steven Stupp

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